

U.S. Bankruptcy Court, Northern District of Iowa

BAPCPA Quick Reference Guide

New Petition Requirements

Chapters 7 & 13 (Individual Debtor)

1. Voluntary Petition signed by debtor(s) and attorney for debtor(s)
2. Statement of Financial Affairs signed by debtor(s)
3. Summary of Schedules
4. Schedules A-J in consecutive order
5. Declaration of Schedules signed and verified by debtor(s)
6. Statement of Current Monthly Income and Means Test Calculation (Chapter 7)*, Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13)
7. Matrix**
8. 60 days Payment Advices
9. Disclosure of Compensation of Attorney signed by attorney for debtor(s)
10. Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (if prepared by BPP)
11. Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (if prepared by BPP)
12. Certificate of Completion - Credit Counseling
13. Application to Pay Filing Fees In Installments (If Fee is not paid in full at time of filing)***
14. Application to Waive Filing Fees (In Forma Pauperis) (If Fee is not paid in full at time of filing and no Installment application is submitted)*****

Reminders for Electronic Filing

- * The box checked in the “Petition” docketing event re: Presumption of Abuse must match the check box at top of the Means Test Form. It is this box that will dictate the Notice of Presumption of Abuse that is on the 341 Notice generated by the court.
- ** Matrix to be provided in two formats, PDF with petition package and uploaded in TXT format.
- *** Although an application to pay fees in installments may be filed electronically with the petition, installment payments may not be made using the CM/ECF credit card module. Installment payments must be made conventionally to the clerk’s office in one of the following forms: Cash, Bank/Cashier Check, Money Order or Firm Check.
- ***** If an Application to Waive Filing Fees is denied, the resulting court order may require payment of fees in installments. Installment payments may not be made using the CM/ECF credit card module. Installment payments must be made conventionally to the clerk’s office in one of the following forms: Cash, Bank/Cashier Check, Money Order or Firm Check.

To Be Filed With Petition - Not Part of Petition Package

Only filed in applicable cases. Italics define the actual CM/ECF docket event:

1. *Debtor's Rebuttal of Presumption of Abuse* - Demonstration of special circumstances under §707.
2. *Motion for Exemption from Means Test* - identifying debtors exemption criteria under §707.
3. *Expenses regarding FVPS* - Supporting documentation for Family Violence Expenses on Means Test Form (B22). This is a private entry.
4. *Debt Repayment Plan* - If prepared by Credit Counseling Agency prior to filing petition.
5. *Motion for Exemption from Credit Counseling* - if exemption under §109 applies.
6. *Certificate of Exigent Circumstances* - if exigent circumstances as defined in §109 precluded debtors ability to receive credit counseling.
7. *Intent to Cure Default* - if rent and automatic stay criteria set forth in § 362 apply. If this document is filed, it is anticipated to be accompanied by a 30 day rent deposit. Rental deposits must be made conventionally to the clerk's office in one of the following forms: Cash, Bank/Cashier Check, Money Order or Firm Check.

Filing Fees Collected At Time of Filing - Effective October 17th

- Chapter 7 - \$274
- Chapter 9 - \$1,039
- Chapter 11 - \$1,039
- Chapter 12 - \$239
- Chapter 13 - \$189
- Chapter 15 - \$1,039
- Conversion 7-11 - \$780
- Conversion 13-11 - \$850
- Conversion to Ch. 7 - \$15
- Reopening Ch. 7 - \$220
- Reopening Ch. 11 - \$1,000
- Reopening Ch. 13 - \$150
- Adversary - \$250
- Motion to Lift Stay - \$150

Deficiency Time Lines

The Clerk's Office will issue deficiency notices in cases missing required documents. At the expiration of the time frames provided below, an Order Dismissing Case will enter (unless an appropriate motion to decline dismissal is timely filed).

Filing Requirement (Days)	Filing
2 days (from Petition) Telephonic/In-Person Notification Only	Fees Paid (or Motion for IFP or Installments) - Electronically filed petitions only, fees for petitions filed conventionally are due upon filing List of Creditors/Matrix
6 days (Business days from Petition)	Request for Relief not signed by attorney. Exhibit C not attached to voluntary petition/not marked. Statement of Intention not signed by debtor(s).
15 days (From Petition)	Lists, Statements and Schedules Means Test/Disposable Income Form Statement of Income & Expenditures Disclosure of Compensation (Atty) Bankruptcy Petition Preparer Notices to Debtor Payment Advices Chapter 13 Plan (if no motion to extend time filed)
35 days (from Petition)	If Motion for Extension is filed with Petition & Subsequently Granted for 30 days Certification of Credit Counseling Certificate of Completion - Credit Counseling
50 days (from Petition)	If 2nd Motion for Extension is filed with post petition & subsequently granted for additional 15 days Certification of Credit Counseling Certificate of Completion - Credit Counseling

**** Reminder** - The Certification/Certificate of Completion of Credit Counseling (or Certification of Exigent Circumstances) is required to be filed by an individual debtor with the petition to ensure eligibility for protection under Title 11. Cases filed by individual debtors without the accompanying Certification/Certificate of Completion for Credit Counseling or Certification of Exigent Circumstances will be dismissed.

Creditor Preferred Mailing Address Pursuant to §342(f)

To facilitate an efficient request for non case specific preferred creditor addresses under § 342(f), the Clerk's Office has made the Creditor Registration of Preferred Address and Request for National Creditor Registration Service Participation Form available on its *BK Reform Information* page at www.ianb.uscourts.gov. This form is to be completed and mailed or faxed directly to the address/fax number located on the first page of the form by the requesting creditor.

Reaffirmation Agreements

- Use of Director's Procedural Form B240 is mandatory within the Northern District.
- Deficient Reaffirmation Agreements (missing signatures/certifications, incorrect form), reaffirmation agreements identified as "undue hardship" by the filer, and all Pro Se Agreements (whether case is Pro Se or reaffirmation agreement is not signed by attorney) will be set for hearing on the first available date after the Last Date for Objections to Discharge. The assigned judge will hear all reaffirmation agreements (Pro Se and those that have not cured noted deficiency) at a single hearing in a case.
- In those cases in which a Pro Se Reaffirmation Agreement has been filed (whether case is Pro Se or reaffirmation agreement is not signed by attorney), the court shall not enter a discharge before a hearing is held.

Financial Management Training

A discharge shall not enter in an individual debtor Chapter 7 or 13 case, unless the debtor has filed a B23 Form (Debtor's Certification of Completion of Instructional Course Concerning Financial Management) and, in a Chapter 7 case, the associated Certificate of Completion.

- Clerk's Office will issue a reminder 45 days after 341 meeting (Chapter 7 case only) that Financial Management requirement has not been satisfied. Chapter 13 Financial Management Course will be tracked by Chapter 13 trustee and reported to court before discharge. *Docket Event - Financial Management Course Certificate*. If no cure, and case has been fully administered, the case shall close without entry of discharge (with notice to all creditors). Motions to re-open for purposes of receiving a discharge shall incur the re-opening fee.

New "Motions" Docket Events

- Trustee's Motion Declining Dismissal of Case under § 521
- Motion for Exemption from Means Test (§ 707)
- Motion for Exemption from Credit Counseling (§ 109)
- Motion for Approval of Reaffirmation (if not included on reaff form) - Pro Se (§ 524)
- Motion for Reinstatement of Retiree Benefits (§§ 522 & 523)
- Motion for Appointment of Consumer Privacy Ombudsman (§ 332)
- Motion to Restrict Public Access (§ 107)
- Motion to Extend Automatic Stay (§ 362)
- Motion to Terminate Automatic Stay (§ 362)
- Trustee's Motion to Determine Value of Property (§ 362)
- Motion to Avoid Lien on Household Goods under § 522(f)(1)(B)(I).
- Motion for Access to Tax Information (§ 342)
- Motion to Dismiss Case for Failure to File Required Documents under § 521(i)
- Motion to Extend Deadlines to File Schedules or Provide Required Documents under § 521
- Motion to Delay Discharge (§§ 727, 1141, 1228, 1328)
- Motion to Seal (§ 303)/Motion to Expunge (§ 303)
- Motion to Cancel Meeting of Creditors (§ 341)
- Motion to Increase Assurance Payment